

# Game and Feral Animal Control Act 2002 No 64

[2002-64]



New South Wales

## Status Information

### Currency of version

Current version for 13 January 2023 to date (accessed 17 July 2024 at 19:24)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Responsible Minister

- Minister for Agriculture

For full details of Ministerial responsibilities, see the [Administrative Arrangements \(Minns Ministry—Administration of Acts\) Order 2023](#).

### Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

File last modified 30 May 2023

# Game and Feral Animal Control Act 2002 No 64



New South Wales

## Contents

<b>Long title</b> .....	6
<b>Part 1 Preliminary</b> .....	6
1 Name of Act .....	6
2 Commencement .....	6
3 Objects .....	6
4 Definitions .....	6
5 Game animals for the purposes of this Act .....	8
6 Application of other legislation .....	9
6A Exemptions from certain offences under National Parks and Wildlife legislation .....	9
6B Orders and notices under other legislation .....	9
<b>Part 2 Game and Pest Management Advisory Board</b> .....	10
7 Constitution of Advisory Board .....	10
8 Membership and procedure of Advisory Board .....	10
9 Functions of Advisory Board .....	10
10–13A (Repealed) .....	11
<b>Part 3 Licensing and control of hunting for game animals</b> .....	11
<b>Division 1 Preliminary</b> .....	11
14 Classes of game hunting licences .....	11
15 Authority conferred by different classes of game hunting licences .....	11
<b>Division 2 Licensing of hunters of game animals</b> .....	12

16 Licence required to hunt game animals .....	12
17 Exemptions from requirement for game hunting licence.....	12
<b>Division 3 Control of hunting for game animals on public lands (restricted game hunting licences)</b>	
.....	13
18 Hunting of game animals on public land .....	13
19 Special qualifications for restricted game hunting licence .....	13
20 Declaration of public lands available for hunting game.....	14
20A Restrictions on declaration of national park estate land .....	15
<b>Division 4 Provisions relating to game hunting licences</b> .....	15
21 Grant of licences .....	15
22 Conditions of licences .....	16
23 Offence to contravene conditions of licence.....	16
24 Code of practice for licensed game hunters .....	16
25 Duration of licence .....	17
26 Fees for applications and licences .....	17
27 Offences relating to licences .....	17
28 Arrangements for granting licences .....	17
29 Suspension or cancellation of licences by Regulatory Authority.....	18
30 Suspension or cancellation of licences by court in connection with offence.....	18
31 Rights of review.....	19
32 Regulations relating to licences.....	19
<b>Part 3A Native game bird management licences</b> .....	20
32A Native game bird management licences .....	20
32B Application of provisions relating to game hunting licences to native game bird management licences .....	20
32C Consultation with the head of the Office of Environment and Heritage .....	21
32D Quotas on killing native game birds.....	21
32E Other requirements relating to native game birds .....	21
32F Waterfowl identification test.....	22
<b>Part 4 Investigations</b> .....	22

<b>Division 1 Appointment of inspectors</b> .....	22
33 Appointment of inspectors .....	22
34 Police officers to be inspectors .....	23
35 Identification .....	23
36 Production of identification .....	23
37 Offence of impersonating an inspector.....	23
<b>Division 2 Powers of inspectors</b> .....	24
38 Definitions .....	24
39 Powers of entry.....	24
40 Use of force on entry .....	25
41 Entry to premises used for residential purposes .....	25
42 Search warrant .....	25
43 General powers available on entry .....	25
44 Power to detain and search vehicles or vessels.....	26
45 Power of seizure .....	26
46 Power of inspectors to obtain information, documents and evidence .....	27
47 Power of inspector to demand name and address and to demand game hunting licence.....	28
48 Provisions relating to requirements under this Division.....	28
49 Inspector may request assistance .....	29
50 Offences relating to inspectors.....	29
50A Direction to leave or not to enter declared public hunting land .....	30
51 Care to be taken .....	30
52 Compensation .....	30
<b>Part 5 Miscellaneous</b> .....	30
53 Crown not bound .....	30
53A Delegation by Regulatory Authority .....	30
53B Game and Pest Management Trust Fund .....	31
54 Native title rights and interests .....	31
55 Offence of releasing animals for the purpose of hunting.....	31
55A Interfering with authorised hunting on declared public hunting land .....	32
55B Requirements for commercial taxidermists .....	32
56 Summary proceedings for offences .....	32

57 Penalty notices .....	33
58 Evidentiary statements .....	33
59 Onus of proof concerning reasonable excuse .....	33
60 Regulations.....	34
61 Notes .....	34
62 (Repealed) .....	34
63 Savings, transitional and other provisions.....	34
64 Review of Act.....	34
<b>Schedule 1 Provisions relating to members and procedure of Game and Pest Management Advisory Board</b>	
.....	34
<b>Schedule 2 (Repealed)</b> .....	37
<b>Schedule 3 Game animals</b> .....	37
<b>Schedule 3A National park estate land that cannot be declared as public hunting land</b>	
.....	39
<b>Schedule 4 Savings, transitional and other provisions</b> .....	40

# Game and Feral Animal Control Act 2002 No 64



New South Wales

An Act to manage and regulate the hunting of game; and for other purposes.

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Game and Feral Animal Control Act 2002*.

### 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3 Objects

The objects of this Act are—

- (a) to provide for the effective management of introduced species of game animals, and
- (b) to promote responsible and orderly hunting of those game animals on public and private land and of certain pest animals on public land.

#### Note—

Schedule 3 specifies the animals (including certain pest animals) that are game animals for the purposes of this Act.

### 4 Definitions

In this Act—

**declared public hunting land** means public land that is the subject of a declaration in force under section 20.

**exercise** a function includes perform a duty.

**function** includes a power, authority or duty.

**Game and Pest Management Advisory Board** or **Advisory Board** means the Game and Pest Management Advisory Board constituted under Part 2.

**game animal**—see section 5.

**game hunting licence** means a licence granted under Part 3 and in force (being a general game hunting licence or a restricted game hunting licence).

**hunt** means to search for, pursue, trail, stalk or drive out an animal in order to capture or kill the animal—

- (a) including using a firearm, bow, animal or other hunting device to capture or kill the animal, but
- (b) not including laying or using poison for that purpose.

**inspector** means an inspector appointed under Division 1 of Part 4.

**Note—**

Section 34 provides that a police officer may exercise the functions of an inspector under this Act, and for that purpose is taken to be an inspector.

**national park estate land** means—

- (a) any land reserved, dedicated or declared under the [National Parks and Wildlife Act 1974](#) or any land vested in the Minister administering that Act for the purposes of Part 11 of that Act, or
- (b) any dedicated or reserved Crown land under the [Crown Land Management Act 2016](#) of which the National Parks and Wildlife Reserve Trust is the Crown land manager, or
- (c) any land that is declared to be a wilderness area under the [Wilderness Act 1987](#), and any land the subject of a wilderness protection agreement under section 10 of that Act that has not been declared to be a wilderness area.

**native game bird** means a game animal listed in Part 1A of Schedule 3.

**native game bird management licence** means a licence granted under Part 3A and in force.

**occupier** and **owner** have the same meanings as they have in the [Local Government Act 1993](#).

**premises** includes any place, and in particular includes—

- (a) any land, building or part of any building, or
- (b) any vehicle, vessel or aircraft, or
- (c) any installation on land, on the bed of any waters or floating on any waters, or
- (d) any tent or movable structure.

**private land** means land other than—

- (a) any public land, or
- (b) (Repealed)
- (c) any other land of a kind prescribed by the regulations.

**public land** means—

- (a) Crown land within the meaning of the [Crown Land Management Act 2016](#), or
- (b) State forest, or
- (b1) national park estate land, or
- (c) land under the control and management of a public or local authority that is declared by the regulations, on the recommendation of the authority, to be public land for the purposes of this Act,

but does not include—

- (d) any land (other than State forest) that is occupied under any lease or other arrangement for private purposes that confers a right to exclusive possession of the land, or
- (e) (Repealed)
- (f) any land leased under a Western lands lease within the meaning of Schedule 3 to the [Crown Land Management Act 2016](#), or
- (g) any other land of a kind prescribed by the regulations.

**Regulatory Authority** means the Secretary of Regional NSW.

**State forest** has the same meaning it has in the [Forestry Act 2012](#).

**Note—**

Words and expressions used in this Act that are defined in the [Interpretation Act 1987](#) have the meanings set out in that Act.

## 5 Game animals for the purposes of this Act

- (1) For the purposes of this Act, a **game animal** is any animal specified in Schedule 3 that is living in the wild.
- (2) The Minister may, by order published on the NSW legislation website, amend Schedule 3—
  - (a) by adding the name or description of any animal (other than an animal of a



species that was native to Australia before European settlement), or

(b) by omitting or amending any such name or description.

(3) Despite any other provision of this section, a game animal does not include any animal that is or is part of a threatened species, population or ecological community within the meaning of the *Threatened Species Conservation Act 1995*.

## **6 Application of other legislation**

Nothing in this Act affects the operation of—

(a) the *Firearms Act 1996* or the *Weapons Prohibition Act 1998*, or

(b) the *Prevention of Cruelty to Animals Act 1979*.

## **6A Exemptions from certain offences under National Parks and Wildlife legislation**

(1) The holder of a game hunting licence who hunts a game animal on declared public hunting land in accordance with the authority conferred by the licence does not, in connection with that hunting, commit—

(a) any offence under the *National Parks and Wildlife Act 1974* or the regulations under that Act that involves an activity associated with hunting and that is necessary for the purposes of hunting the game animal, or

(b) any offence under that Act that involves possessing or exporting, otherwise than for the purposes of sale, the carcass, or the skin or any other part, of a game animal killed by the licence holder.

(2) For the purposes of subsection (1) (a), an **activity associated with hunting** includes carrying a firearm or other hunting device.

(2A) A person who holds a game hunting licence and who is authorised or permitted to kill a native game bird under the authority conferred by a native game bird management licence does not, in connection with that killing, commit—

(a) any offence under the *National Parks and Wildlife Act 1974* or the regulations under that Act that involves harming the native game bird, or

(b) any offence under that Act that involves possessing or exporting (otherwise than for the purposes of sale) the carcass, or the skin or any other part, of the native game bird.

(3) This section does not authorise a person to take a dog into any national park estate land or to use a dog to assist in hunting on any such land.

## **6B Orders and notices under other legislation**

None of the following has any effect to the extent that it would prevent or interfere with

any activity carried out in accordance with the authority conferred by a game hunting licence or native game bird management licence—

- (a) an order under Division 1 (Stop work orders) or Division 2 (Interim protection orders) of Part 6A of the *National Parks and Wildlife Act 1974*,
- (b) an environment protection notice under Chapter 4 of the *Protection of the Environment Operations Act 1997*.

## **Part 2 Game and Pest Management Advisory Board**

### **7 Constitution of Advisory Board**

- (1) There is constituted by this Act a Game and Pest Management Advisory Board.
- (2) The Advisory Board has the functions conferred or imposed on it by or under this or any other Act.

### **8 Membership and procedure of Advisory Board**

- (1) The Advisory Board is to consist of not more than 8 members appointed by the Minister.
- (2) The persons appointed as members of the Advisory Board—
  - (a) are to include representatives of regional New South Wales, and
  - (b) are to be persons who together have expertise, skill or knowledge in the areas of pest management, wildlife, veterinary science, hunting, education and community engagement.
- (3) The regulations may make provision for or with respect to the appointment of persons as members of the Advisory Board.
- (4) Schedule 1 contains provisions with respect to the members and procedure of the Advisory Board.

### **9 Functions of Advisory Board**

- (1) The Advisory Board has the following functions—
  - (a) to represent the interests of licensed game hunters in matters arising under this Act,
  - (b) to provide advice on request to the Minister or the Regulatory Authority on game and feral animal control,
  - (c) to provide advice on request to the Minister on priorities for expenditure on research from the Game and Pest Management Trust Fund,

(d) to provide advice to the Minister or the Regulatory Authority on educational courses relating to game hunting.

(2) The Advisory Board is subject to the control and direction of the Minister (except in relation to the contents of any advice of the Advisory Board).

(3) The Advisory Board is to provide the Minister with an annual report of its activities during the year.

#### **10-13A (Repealed)**

### **Part 3 Licensing and control of hunting for game animals**

#### **Division 1 Preliminary**

##### **14 Classes of game hunting licences**

The following classes of game hunting licences may be granted under this Part—

- (a) general game hunting licences,
- (b) restricted game hunting licences.

##### **15 Authority conferred by different classes of game hunting licences**

(1) **General licence** A general game hunting licence authorises, subject to this Act, the holder of the licence—

- (a) to hunt game animals (other than native game birds) on private land, and
- (b) to kill (and for that purpose hunt) native game birds on private land if permitted to do so under the authority of a native game bird management licence.

##### **Note—**

Part 3A provides for the grant, for sustainable agricultural management purposes only, of a native game bird management licence to the owner or occupier of private land under which native game birds may be killed by the holders of general or restricted game hunting licences in accordance with set annual quotas.

(2) **Restricted licence** A restricted game hunting licence authorises, subject to this Act, the holder of the licence—

- (a) to hunt game animals (other than native game birds) on public land as well as private land, and
- (b) to kill (and for that purpose hunt) native game birds on private land if permitted to do so under the authority of a native game bird management licence.

##### **Note—**

In the case of hunting on public land, section 18 provides that a game hunting licence does not authorise

hunting unless the land is duly declared under section 20 to be available for hunting. Such a declaration may require hunters to register and obtain written permission to hunt on that land.

- (2A) **Possession of carcass or skin or other part of game animal** A game hunting licence authorises the holder of the licence to possess the carcass, or the skin or any other part, of any game animal that the licence holder has killed under the authority conferred by the licence.
- (3) **Entry into land** A game hunting licence does not authorise the holder of the licence to enter any land that the holder is not otherwise authorised to enter.
- (4) **Other statutory prohibitions** Except as provided by section 6A (1), a game hunting licence does not authorise the holder of the licence to contravene any prohibition or restriction imposed by or under any Act or statutory instrument.

## **Division 2 Licensing of hunters of game animals**

### **16 Licence required to hunt game animals**

- (1) A person who hunts a game animal on any private land or public land is guilty of an offence unless the person is the holder of a game hunting licence.

Maximum penalty—50 penalty units.

- (2) This section is subject to the other provisions of this Part.

### **17 Exemptions from requirement for game hunting licence**

- (1) A game hunting licence is not required under this Division in respect of the following—
- (a) a person who is hunting an animal listed in Part 2 of Schedule 3 on private land,
  - (b) a person who is hunting on any land owned or occupied by the person or by a member of the person's household (but not if the person is hunting native game birds),
  - (b1) a person who is hunting on any land owned or occupied by the person's employer or by a corporation of which the person is an officer (but not if the person is hunting native game birds),
  - (c) an Aboriginal person—
    - (i) who is hunting a game animal pursuant to a native title right or interest that is the subject of an approved determination of native title or of a registered native title claim, or
    - (ii) who is a member, or in the company of a member, of a Local Aboriginal Land Council and who is undertaking traditional cultural hunting within the area of the Council,

(d) a person who is hunting a game animal in accordance with a requirement or function imposed or conferred on the person by an emergency order, control order or biosecurity zone regulation under the *Biosecurity Act 2015*,

(d1), (e) (Repealed)

(f) a person employed by any public or local authority (including a member of staff of Local Land Services) who is acting in the execution of his or her duties as such an employee,

(f1) a person who is harming native game birds on any land in accordance with a licence under the *National Parks and Wildlife Act 1974*,

**Note—**

That Act provides for the issue of licences to harm native animals for purposes other than sustainable agricultural management purposes.

(g) a veterinary practitioner (within the meaning of the *Veterinary Practice Act 2003*) or other person who is acting for the purposes of killing or treating an animal in distress due to injury or illness,

(h) a person of a class, or hunting in the circumstances, prescribed by the regulations.

(2) A person who is not required to hold a game hunting licence because of this section is not prevented from applying for and being granted a licence in accordance with this Act.

### **Division 3 Control of hunting for game animals on public lands (restricted game hunting licences)**

#### **18 Hunting of game animals on public land**

A person who hunts a game animal on any public land and who is required by Division 2 to hold a game hunting licence to do so is guilty of an offence unless—

(a) a declaration is in force under this Division that permits the person to hunt that game animal on that land at that time, and

(b) the person is the holder of a restricted game hunting licence.

Maximum penalty—50 penalty units.

#### **19 Special qualifications for restricted game hunting licence**

(1) A person is not entitled to be granted a restricted game hunting licence unless—

(a) the person is a member of a hunting club, or organisation, approved by the Regulatory Authority, and

(b) the person satisfies the Regulatory Authority that he or she has undertaken adequate training for the activities authorised by the licence.

(2) In this section, **adequate training** includes training of a kind prescribed by the regulations.

## **20 Declaration of public lands available for hunting game**

(1) For the purposes of this section, the **responsible Minister** for public lands is the Minister who has the care or control of the land or who is responsible for the authority that has the care or control of the land.

(2) The responsible Minister for public land may make a declaration in accordance with this section that game animals on that land may be hunted by persons duly licensed under this Act.

(3) The responsible Minister must, before making a declaration, give public notice of the proposed declaration in accordance with the regulations.

(4) The responsible Minister is, before making a declaration, to have regard to—

(a) the impact of the declaration on public safety, and

(b) the rights of others using the land, and

(c) any plan of management or other policy document relating to the use or management of the land, and

(d) any recommendation of the authority that has care or control of the land, and

(e) any recommendation of the Regulatory Authority.

(5) A declaration may be limited to particular parts of the land, to particular game animals, to particular times or to other particular circumstances.

(6) A declaration may require a person who hunts game animals in the land concerned—

(a) to register with a specified person or body before hunting on the land, and

(b) to comply with any exclusion or other notice issued or erected by the authority that has the care or control of the land, and

(c) to comply with such other requirements as are specified in the declaration.

A person is not permitted by the declaration to hunt game animals unless any such requirements are complied with.

(7) The responsible Minister is to give a copy of any declaration to the Regulatory Authority and is to cause the declaration to be made public in such manner as the Minister thinks fit.

- (8) A declaration remains in force for the period specified in the declaration unless it is sooner revoked by the responsible Minister.
- (9) The responsible Minister may delegate to any authority or other person any function of the Minister under this section.
- (10) A declaration does not confer authority for anything that is inconsistent with the requirements of any other Act or law.
- (11) The Minister may vary or revoke a declaration under this section.

## **20A Restrictions on declaration of national park estate land**

- (1) The following national park estate land cannot be the subject of a declaration under section 20—
  - (a) any national park estate land specified in Schedule 3A,
  - (b) any land declared to be a wilderness area under the *Wilderness Act 1987* or that is the subject of a wilderness protection agreement under section 10 of that Act but has not been declared to be a wilderness area,
  - (c) any national park estate land that is a declared World Heritage property within the meaning of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.
- (2) The regulations may amend Schedule 3A—
  - (a) by adding the name of any national park estate land (other than land referred to in subsection (1) (b) or (c)), or
  - (b) by omitting or amending any name specified in Schedule 3A.
- (3) Any such regulation may only be made on the recommendation of the Minister administering the *National Parks and Wildlife Act 1974*.

## **Division 4 Provisions relating to game hunting licences**

### **21 Grant of licences**

- (1) Game hunting licences are to be granted by the Regulatory Authority.
- (2) The Regulatory Authority must approve or refuse applications for game hunting licences in accordance with this Act and the regulations.
- (3) The Regulatory Authority must refuse to grant a game hunting licence to a person—
  - (a) if the person has been found guilty of an offence in New South Wales or elsewhere (in the previous 10 years) involving cruelty or harm to animals, personal violence, damage to property or unlawful entry into land, or

- (b) if the person has been found guilty of an offence under section 55, or
- (c) if the person is not a fit and proper person to hold the licence, or
- (d) in such other circumstances as are prescribed by the regulations.

(4) The Regulatory Authority may refuse to grant a game hunting licence to a person if, in the previous 10 years, the person has been found guilty of an offence under the [Firearms Act 1996](#) that is, in accordance with section 84 of that Act, an offence that may be (or is required to be) prosecuted on indictment.

## **22 Conditions of licences**

- (1) Game hunting licences may be granted unconditionally or subject to conditions.
- (2) After granting a game hunting licence, the Regulatory Authority may, by notice in writing to the holder of the licence—
  - (a) impose conditions or further conditions on the licence, or
  - (b) vary or revoke any of the conditions to which the licence is subject.
- (3) A game hunting licence is also subject to such conditions as are prescribed by the regulations. Any such condition cannot be varied or revoked by the Regulatory Authority under this section.
- (4) A condition under this section may restrict or limit an activity authorised by the licence.

## **23 Offence to contravene conditions of licence**

The holder of a game hunting licence must not contravene any condition to which the licence is subject.

Maximum penalty—50 penalty units.

## **24 Code of practice for licensed game hunters**

- (1) The Minister is to approve a code of practice for the holders of game hunting licences.
- (2) The code is to identify the provisions that must be observed by persons hunting game animals pursuant to a game hunting licence. Compliance with those mandatory provisions is a condition of a game hunting licence.

### **Note—**

A contravention of a mandatory provision constitutes an offence (section 23) and grounds for cancellation or suspension of a licence (section 29).

- (3) Before approving a code of practice the Minister is to—
  - (a) make the draft code publicly available, and



- (b) allow a period of not less than 30 days for public comment on the draft code, and
- (c) take into account any submissions duly made.

## **25 Duration of licence**

- (1) A game hunting licence remains in force (unless sooner cancelled) for the period (not exceeding the relevant maximum period) specified in the licence.
- (2) The relevant maximum period is—
  - (a) 12 months, except as provided by paragraph (b), or
  - (b) the period prescribed by or determined in accordance with the regulations.
- (3) A game hunting licence is not in force during any period it is suspended.

## **26 Fees for applications and licences**

The fees payable in respect of applications for licences and in respect of the grant of licences are to be fixed by or determined in accordance with the regulations.

## **27 Offences relating to licences**

- (1) A person must not pretend to be the holder of a game hunting licence.
- (2) A person must not, for the purpose of obtaining a game hunting licence, provide any information or produce any document that the person knows is false or misleading in a material particular.

Maximum penalty—50 penalty units.

## **28 Arrangements for granting licences**

- (1) The Regulatory Authority may enter into arrangements with any person for the granting of game hunting licences to eligible applicants. A person who enters into such an arrangement is an authorised agent for the purposes of this Act.
- (2) However, an arrangement cannot authorise an authorised agent to grant a restricted game hunting licence.
- (3) An arrangement may make provision for the payment of commission to an authorised agent, whether by way of retention of a percentage of application or licence fees paid or by way of a separate payment.
- (4) An arrangement may make provision for authorised agents to make specified records with respect to the grant of game hunting licences and the collection and remittance of licence fees.

## **29 Suspension or cancellation of licences by Regulatory Authority**

- (1) The Regulatory Authority may suspend or cancel a game hunting licence as provided by this section.
- (2) The Regulatory Authority is to cancel a game hunting licence if the holder is not qualified, or is no longer qualified, to hold the licence.
- (3) The Regulatory Authority is to suspend or cancel a game hunting licence—
  - (a) if the holder contravenes any mandatory provision of the code of practice referred to in section 24, or
  - (b) if the holder is found guilty of an offence in New South Wales or elsewhere involving cruelty to animals, or
  - (c) if the holder has been found guilty of an offence under section 55.
- (4) The Regulatory Authority may suspend or cancel a game hunting licence—
  - (a) if the holder contravenes a condition of the licence, or
  - (b) if the holder is found guilty of an offence in New South Wales or elsewhere involving harm to animals, personal violence, damage to property or unlawful entry into land, or
  - (b1) if the holder is found guilty of an offence under the *Firearms Act 1996* that is, in accordance with section 84 of that Act, an offence that may be (or is required to be) prosecuted on indictment, or
  - (c) in such other circumstances as are prescribed by the regulations.
- (5) The Regulatory Authority may, if it cancels a game hunting licence, disqualify the person who held the licence from holding or obtaining such a licence for a period specified by the Regulatory Authority.
- (6) The Regulatory Authority may at any time remove the suspension of a game hunting licence (except a suspension imposed by a court).

## **30 Suspension or cancellation of licences by court in connection with offence**

- (1) A court that convicts the holder of a game hunting licence of a game hunting offence may, by order—
  - (a) cancel or suspend the licence, and
  - (b) disqualify the convicted person from holding or obtaining such a licence for a period specified by the court.
- (2) Any disqualification under this section is in addition to any penalty imposed for the

offence.

- (3) In this section, a **game hunting offence** means—
- (a) any offence against this Act or the regulations, or
  - (b) any offence relating to hunting for game that causes the death or injury of a person or damage to property, or that causes a risk of any such death, injury or damage.

### **31 Rights of review**

- (1) A person who is dissatisfied with any of the following decisions under this Act may apply to the Civil and Administrative Tribunal for an administrative review under the [Administrative Decisions Review Act 1997](#) of the decision—
- (a) the refusal to grant a game hunting licence to the person,
  - (b) the imposition of conditions on the person's game hunting licence (otherwise than by regulation),
  - (c) the suspension or cancellation of the person's game hunting licence (otherwise than by a court),
  - (d) the disqualification of a person from holding or obtaining a game hunting licence (otherwise than by a court).
- (2) For the purposes of this section, an application for the grant of a game hunting licence is taken to have been refused if the licence is not granted within 60 days (or such other period as is prescribed by the regulations) after the application was duly made.

### **32 Regulations relating to licences**

- (1) The regulations may make provision for or with respect to game hunting licences.
- (2) In particular, the regulations may make provision for or with respect to the following—
- (a) restrictions on the authority conferred by a particular type of licence or class of licence,
  - (b) applications for licences,
  - (c) the eligibility of applicants (including age, qualifications, knowledge, experience and training),
  - (d) the testing or examination of applicants or the holders of licences to determine whether they are or continue to be eligible to hold a licence,
  - (e) the grant of further licences after the expiry of licences,

- (f) the replacement of licences that are lost, destroyed or defaced,
- (g) registers of licences and information with respect to licences,
- (h) the return of licences that require alteration or that are suspended or cancelled,
- (i) fees payable in connection with licences and applications for licences.

## **Part 3A Native game bird management licences**

### **32A Native game bird management licences**

- (1) The Regulatory Authority may grant a licence (a ***native game bird management licence***) to the owner or occupier of specified private land that authorises the killing, for sustainable agricultural management purposes only, of a specified number of native game birds of a specified class found on that land. For the purposes of this Part, ***kill*** includes capture.
- (2) A native game bird management licence only authorises the killing of native game birds by the holder of a game hunting licence.

**Note—**

The holders of game hunting licences authorised to kill native game birds will be either the owner or occupier of the land concerned or other persons permitted by the owner or occupier to do so.

- (3) A native game bird management licence does not authorise the killing of native game birds for the purposes of sale.
- (4) A native game bird management licence also authorises the person who has killed a native game bird under the authority of the licence to possess the carcass, or the skin or any other part, of the native game bird.
- (5) The authority conferred by a native game bird management licence is subject to this Act.
- (6) Except as provided by section 6A (2A), a native game bird management licence does not authorise a person to contravene any prohibition or restriction imposed by or under any other Act.

### **32B Application of provisions relating to game hunting licences to native game bird management licences**

- (1) Division 4 of Part 3 applies to or in respect of native game bird management licences in the same way as it applies to or in respect of game hunting licences.
- (2) Accordingly, a reference in that Division to a game hunting licence is taken to include a reference to a native game bird management licence.
- (3) This section is subject to the regulations.

### **32C Consultation with the head of the Office of Environment and Heritage**

The Regulatory Authority is to consult the head of the Office of Environment and Heritage in the exercise of functions under this Part of setting quotas under section 32D, determining the matters referred to in section 32E and recognising any official waterfowl identification test under section 32F.

### **32D Quotas on killing native game birds**

- (1) The Regulatory Authority is required to set annual quotas of native game birds that may be killed under the authority conferred by a native game bird management licence.
- (2) The following provisions apply to the setting of quotas by the Regulatory Authority—
  - (a) quotas are to be set on the basis of the best scientific information available of the estimated regional population of native game birds,
  - (b) separate quotas may be set for different species of native game birds and for different parts of the State,
  - (c) annual quotas are not required to be set for all species of native game birds in all parts of the State,
  - (d) quotas may be revised from time to time.
- (3) The Regulatory Authority is to ensure, by the imposition of licence conditions, that the number of native game birds authorised to be killed by the holders of licences under this Act complies with the relevant quota set by the Regulatory Authority.
- (4) If a quota is not set during a particular period in respect of a particular species or a particular part of the State, a native game bird management licence does not authorise the killing, during that period, of that particular species of native game bird or any other native game bird in that particular part of the State.

### **32E Other requirements relating to native game birds**

- (1) The Regulatory Authority is, in addition to setting quotas, to determine the following matters—
  - (a) the periods during which, and the areas within which, particular species of native game birds may be hunted by the holders of game hunting licences under the authority conferred by a native game bird management licence,
  - (b) requirements with respect to the tagging or other identification, and notification to the Regulatory Authority, of native game birds killed under the authority conferred by a native game bird management licence,
  - (c) guidelines for the auditing of compliance with this Act in respect of the killing of

native game birds.

- (2) The Regulatory Authority is to ensure, by the imposition of licence conditions, that determinations under this section are complied with by the holders of licences under this Act.
- (3) The Regulatory Authority is to include in its annual report details on the number, as notified to the Regulatory Authority, of native game birds killed by licence holders during the reporting year in those parts of the State in which the killing of native game birds is authorised under this Act.

### **32F Waterfowl identification test**

- (1) A game hunting licence does not authorise the holder to hunt native game birds that are waterfowl unless the holder has passed an official identification test.

- (2) In this section—

**official identification test** means a test involving the identification of native waterfowl that—

- (a) is recognised by the Regulatory Authority, and
  - (b) is conducted in accordance with arrangements made or approved by the Regulatory Authority.
- (3) For the purposes of this section, an official identification test includes any test conducted before the commencement of this section by or on behalf of the Office of Environment and Heritage (or the equivalent agency of another State or Territory) in connection with the identification of native waterfowl.

## **Part 4 Investigations**

### **Division 1 Appointment of inspectors**

#### **33 Appointment of inspectors**

- (1) The Regulatory Authority may appoint as an inspector for the purposes of this Act and the regulations any of the following persons—
  - (a) (Repealed)
  - (b) a statutory officer, public servant or person employed by a public or local authority,
  - (c) a person belonging to a class of persons prescribed by the regulations.
- (2) (Repealed)

- (3) The Regulatory Authority may, in and by the instrument of the inspector's appointment, limit the functions that an inspector may exercise under this Act (including limiting the purposes for or area in which the functions may be exercised).

#### **34 Police officers to be inspectors**

- (1) A police officer may exercise the functions of an inspector under this Act, and for that purpose is taken to be an inspector.
- (2) A police officer is not subject to the control or direction of the Regulatory Authority in the exercise of any such function.

#### **35 Identification**

- (1) Every inspector (other than a police officer) is to be issued with an identification card as an inspector by the Regulatory Authority.
- (2) The identification card must—
  - (a) state that it is issued under this Act, and
  - (b) give the name of the person to whom it is issued, and
  - (c) state any limitation on the inspector's functions, and
  - (d) state the date (if any) on which it expires, and
  - (e) bear the signature of the Regulatory Authority or other person prescribed by the regulations.

#### **36 Production of identification**

- (1) A power conferred on an inspector by this Part to enter premises, or to search or take other action on premises, may not be exercised unless the inspector proposing to exercise the power is in possession of the identification card issued to the inspector and produces the identification card if required to do so by the occupier of the premises.
- (2) This section does not apply to a police officer or to a power conferred by a search warrant.

#### **37 Offence of impersonating an inspector**

A person must not impersonate, or falsely represent that the person is, an inspector.

Maximum penalty—10 penalty units.

## Division 2 Powers of inspectors

### 38 Definitions

(1) In this Division—

**game hunting offence** means—

- (a) an offence under this Act or the regulations, or
- (b) an offence under section 68 of the *Forestry Act 2012*,

and includes any such offence that there are reasonable grounds for believing has been, or is to be, committed.

**search** includes examine or inspect.

(2) For the purposes of this Division, a thing is **connected with a game hunting offence** if it is—

- (a) a thing with respect to which the offence has been committed, or
- (b) a thing that will afford evidence of the commission of the offence, or
- (c) a thing that was used, or is intended to be used, for the purpose of committing the offence.

### 39 Powers of entry

(1) For the purposes of this Act or the regulations, an inspector may enter any premises in which the inspector has reason to believe—

- (a) persons are hunting for game to which this Act applies, or
- (b) there is anything connected with a game hunting offence.

(2) The inspector must give the occupier of the premises notice of intention to enter the premises unless—

- (a) the entry is made with the permission of the occupier, or
- (b) the entry is made to a part of the premises open to the public, or
- (c) the giving of notice would defeat the purpose for which the premises were entered or would unreasonably delay the inspector in a case of urgency.

(3) Entry under the power conferred by this section may only be made at a reasonable time or at any hour when the inspector has reason to believe that game is being hunted on the premises. This subsection does not apply to a power conferred by a search warrant.



#### **40 Use of force on entry**

- (1) Reasonable force may be used for the purpose of gaining entry to premises under a power conferred by this Division, but only if authorised by the Regulatory Authority in accordance with this section or in cases of emergency.
- (2) The authority of the Regulatory Authority—
  - (a) must be in writing, and
  - (b) must be given in respect of the particular entry concerned, and
  - (c) must specify the circumstances that are required to exist before force may be used.
- (3) This section does not apply to a power conferred by a search warrant and does not affect section 70 of the *Law Enforcement (Powers and Responsibilities) Act 2002*.

#### **41 Entry to premises used for residential purposes**

The powers of entry conferred by this Division are not exercisable in relation to any part of premises used only for residential purposes except—

- (a) with the permission of the occupier of the premises, or
- (b) under the authority conferred by a search warrant.

#### **42 Search warrant**

- (1) An inspector may apply to an authorised officer for a search warrant if the inspector has reasonable grounds for believing that a provision of this Act or the regulations has been or is being or is about to be contravened in or about any premises.
- (2) An authorised officer to whom an application is made under this section may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising the inspector named in the warrant to enter the premises and to search the premises for evidence of a contravention of this Act or the regulations.
- (3) Division 4 of Part 5 of the *Law Enforcement (Powers and Responsibilities) Act 2002* applies to a search warrant issued under this section.
- (4) In this section—

**authorised officer** has the same meaning as it has in the *Law Enforcement (Powers and Responsibilities) Act 2002*.

#### **43 General powers available on entry**

For the purposes of this Act or the regulations, an inspector who enters premises under this Division may do any of the following—

- (a) search the premises for persons hunting for game or for anything connected with a game hunting offence,
- (b) require any person in or about those premises to answer questions or otherwise furnish information,
- (c) require the occupier of the premises to provide the inspector with such assistance and facilities as is or are reasonably necessary to enable the inspector to exercise the inspector's functions,
- (d) require the production of and inspect any documents in or about those premises and take copies of or extracts from any such documents,
- (e) exercise all other functions that are conferred on an inspector by this Act or the regulations.

#### **44 Power to detain and search vehicles or vessels**

- (1) An inspector who has reason to believe that there is in or on a vehicle or vessel anything connected with a game hunting offence may—
  - (a) stop and detain the vehicle or vessel, and
  - (b) enter and search the vehicle or vessel, and
  - (c) break open and search any container in or on the vehicle or vessel that the inspector has reason to believe contains any such thing.
- (2) An inspector may, by notice to produce, require a person in charge of the vehicle or vessel to take the vehicle or vessel to a specified place for the purposes of searching the vehicle or vessel if it is not reasonably practicable to carry out the search where the vehicle or vessel is stopped.
- (3) For the purposes of this section, **game hunting offence** includes an offence under section 28J of the [Summary Offences Act 1988](#) and any such offence that there are reasonable grounds for believing has been, or is to be, committed.

#### **45 Power of seizure**

- (1) An inspector may seize anything that is found by the inspector in any search under this Division (including any search of a vehicle or vessel conducted after a notice to produce was issued under section 44 (2)) and that the inspector has reason to believe is connected with a game hunting offence.
- (2) A power conferred by this section to seize a thing includes a power to remove the thing from the place where it is found and a power to guard the thing in or on the premises or to secure the thing from interference.
- (3) The State, the Regulatory Authority, an inspector and any other person are not liable

for any seizure under this section for which there was reasonable cause.

- (4) A court may order the forfeiture of a thing seized under this section in connection with an offence if the court finds a person guilty of the offence.
- (5) The owner of anything seized under this section may dispute the seizure by giving notice to that effect in writing to the Regulatory Authority within 28 days after becoming aware of the seizure.
- (6) If the seizure of a thing is so disputed by the owner, the thing is to be returned to the owner (or the person from whom it was seized) unless—
  - (a) proceedings have been instituted for an offence in connection with which the court may order the thing to be forfeited, or
  - (b) proceedings have been instituted under this section for the forfeiture of the thing.
- (7) An inspector may institute proceedings in the Local Court for the forfeiture of a thing seized under this section and that court may order the forfeiture of the thing if satisfied it was duly seized under this section.
- (8) Anything that is forfeited under this section (or the proceeds of its sale) becomes the property of the State.
- (9) For the purposes of this section, **game hunting offence** includes an offence under section 28J of the [Summary Offences Act 1988](#) and any such offence that there are reasonable grounds for believing has been, or is to be, committed.

#### **46 Power of inspectors to obtain information, documents and evidence**

- (1) An inspector may, by notice in writing served on a person, require the person to do any one or more of the following things if the inspector has reasonable grounds to believe that the person is capable of giving information, producing documents or giving evidence in relation to a possible game hunting offence—
  - (a) to give an inspector, in writing signed by the person (or, in the case of a body corporate, by a competent officer of the body corporate) and within the time and in the manner specified in the notice, any such information of which the person has knowledge,
  - (b) to produce to an inspector, in accordance with the notice, any such documents.
- (2) A notice under this section must contain a warning that a failure to comply with the notice is an offence.
- (3) An inspector may inspect a document produced in response to a notice under this section and may make copies of, or take extracts from, the document.
- (4) An inspector may take possession, and retain possession for as long as is necessary

for the purposes of this Act, of a document produced in response to a notice under this section if the person otherwise entitled to possession of the document is supplied, as soon as practicable, with a copy certified by an inspector to be a true copy.

- (5) A certified copy provided under subsection (4) is receivable in all courts as if it were the original.
- (6) Until a certified copy of a document is provided under subsection (4), the inspector who has possession of the document must, at such times and places as the inspector thinks appropriate, permit the person otherwise entitled to possession of the document, or a person authorised by that person, to inspect the document and make copies of, or take extracts from, the document.

#### **47 Power of inspector to demand name and address and to demand game hunting licence**

- (1) An inspector may require a person whom the inspector reasonably suspects has committed a game hunting offence to state the person's full name and residential address.
- (2) The holder of a game hunting licence is required to carry the licence when engaged in hunting for animals for which the licence is required. Accordingly, an inspector may require a person whom the inspector reasonably suspects is engaged in hunting for animals for which a game licence is required to produce the licence to the inspector for inspection.
- (3) A person does not commit an offence under section 50 in respect of a requirement made under this section if—
  - (a) the inspector does not, at the time when the inspector makes the requirement, show the person the inspector's identification card, or
  - (b) the inspector does not, at the time when the inspector makes the requirement, warn the person that it would be an offence not to comply with the requirement.

#### **48 Provisions relating to requirements under this Division**

- (1A) **Warning to be given on each occasion** A person is not guilty of an offence of failing to comply with a requirement under this Division to make a statement, to give or furnish information, to answer a question or to produce a document unless the person was warned on that occasion that a failure to comply is an offence.
- (1) **Self-incrimination not an excuse** A person is not excused from a requirement under this Division to make a statement, to give or furnish information, to answer a question or to produce a document on the ground that the statement, information, answer or document might incriminate the person or make the person liable to a penalty.
- (2) **Statement, information or answer not admissible if objection made** However, any statement made or any information or answer given or furnished by a natural person

in compliance with a requirement under this Division is not admissible in evidence against the person in criminal proceedings (except proceedings for an offence under this Division) if—

- (a) the person objected at the time to doing so on the ground that it might incriminate the person, or
- (b) the person was not warned on that occasion that the person may object to making the statement or giving or furnishing the information or answer on the ground that it might incriminate the person.

(3) **Documents admissible** Any document produced by a person in compliance with a requirement under this Division is not inadmissible in evidence against the person in criminal proceedings on the ground that the document might incriminate the person.

(4) **Further information** Further information obtained as a result of a document produced, a statement made or information or answer given or furnished in compliance with a requirement under this Division is not inadmissible on the ground—

- (a) that the document, statement, information or answer had to be produced, made, given or furnished, or
- (b) that the document, statement, information or answer might incriminate the person.

#### **49 Inspector may request assistance**

(1) A police officer may accompany and take all reasonable steps to assist an inspector in the exercise of the inspector's functions under this Division—

- (a) in executing a search warrant issued under section 42, or
- (b) if the inspector reasonably believes that he or she may be obstructed in the exercise of those functions.

(2) Any person whom an inspector believes to be capable of providing assistance in the exercise of the inspector's functions under this Division may accompany the inspector and take all reasonable steps to assist the inspector in the exercise of the inspector's functions.

(3) Nothing in subsection (1) is to be taken to limit the generality of section 71 of the [Law Enforcement \(Powers and Responsibilities\) Act 2002](#).

#### **50 Offences relating to inspectors**

A person must not—

- (a) without reasonable excuse, refuse or fail to comply with a requirement made or to answer a question of an inspector asked in accordance with this Division, or

- (b) in purported compliance with a requirement under this Division, or in answer to a question of an inspector asked in accordance with this Division, give or furnish information or evidence or produce a document knowing it to be false or misleading in a material particular, or
- (c) obstruct, hinder, impede, assault, threaten or intimidate an inspector in the exercise of the inspector's functions under this Act.

Maximum penalty—50 penalty units.

#### **50A Direction to leave or not to enter declared public hunting land**

- (1) An inspector who has reason to believe that a person is committing or about to commit a game hunting offence may direct the person to leave or not to enter any declared public hunting land specified in the direction.
- (2) A person to whom such a direction is given must comply with the direction.

Maximum penalty—50 penalty units.

#### **51 Care to be taken**

In the exercise of a function under this Division, an inspector must do as little damage as possible.

#### **52 Compensation**

The Regulatory Authority must pay compensation for any loss or damage caused by any inspector in the exercise of any power to enter premises under this Division, but not if that loss or damage is caused because the occupier obstructed, hindered or restricted the inspector in the exercise of the power of entry.

### **Part 5 Miscellaneous**

#### **53 Crown not bound**

This Act does not bind the Crown in any capacity.

**Note—**

See also section 17 for exemption from licensing etc of government and other employees.

#### **53A Delegation by Regulatory Authority**

- (1) The Regulatory Authority may delegate to an authorised person the exercise of any of the functions of the Regulatory Authority other than this power of delegation.
- (2) In this section—

**authorised person** means a statutory officer, a public servant, a person employed by a public or local authority or a person of a class prescribed by the regulations.

### **53B Game and Pest Management Trust Fund**

- (1) There is established in the Special Deposits Account an account called the Game and Pest Management Trust Fund (***the Fund***).
- (2) Money in the Fund is under the control of the Minister and can be expended by the Minister only for the purposes authorised by this section.
- (3) There is to be paid into the Fund—
  - (a) such percentage of the fees payable under this Act in connection with game hunting licences as the Minister determines from time to time, and
  - (b) any gift or bequest of money for the purposes of the Fund, and
  - (c) any money appropriated by Parliament for the purposes of the Fund or required by law to be paid into the Fund, and
  - (d) the proceeds of the investment of money in the Fund.
- (4) The money in the Fund may be applied for any or all of the following purposes—
  - (a) carrying out research into game and feral animal control,
  - (b) funding the costs of enforcing compliance with the controls imposed under this Act on game hunting,
  - (c) funding the costs of the Game and Pest Management Advisory Board.
- (5) The Minister may invest the money in the Fund—
  - (a) if the Minister is a GSF agency for the purposes of Part 6 of the [Government Sector Finance Act 2018](#)—in any way that the Minister is permitted to invest money under that Part, or
  - (b) if the Minister is not a GSF agency for the purposes of Part 6 of the [Government Sector Finance Act 2018](#)—in any way authorised for the investment of trust funds.

### **54 Native title rights and interests**

This Act does not affect the operation of the [Native Title Act 1993](#) of the Commonwealth or the [Native Title \(New South Wales\) Act 1994](#) in respect of the recognition of native title rights and interests within the meaning of the Commonwealth Act or in any other respect.

### **55 Offence of releasing animals for the purpose of hunting**

A person must not release a game animal into the wild for the purpose of hunting the animal or its descendants.

Maximum penalty—50 penalty units.

### **55A Interfering with authorised hunting on declared public hunting land**

- (1) A person must not, without reasonable excuse, engage in any conduct on declared public hunting land—
  - (a) that interferes with the hunting of game animals on that land by another person under the authority conferred by a game hunting licence, and
  - (b) with the intention of interfering with that hunting.

Maximum penalty—50 penalty units.

- (2) A person does not commit an offence under this section if the person has lawful authority to interfere with the hunting carried out by the other person.
- (3) An offence under this section cannot be prescribed for the purposes of section 57.
- (4) In this section—

***hunting*** game animals includes retrieving a game animal.

***interfere with*** includes prevent or hinder.

### **55B Requirements for commercial taxidermists**

- (1) A person who carries on business as a taxidermist must not preserve or prepare the skin of a game animal listed in Part 1 or 1A of Schedule 3 unless the taxidermist—
  - (a) is satisfied that the animal has been killed by the holder of a game hunting licence (or by a person with some other lawful authorisation to kill the animal), and
  - (b) records the following information—
    - (i) the name of the person who killed the game animal and the details of the person's licence or other lawful authorisation,
    - (ii) the date on which the taxidermist received the carcass or other relevant part of the game animal.
- (2) The taxidermist must make any such record available for inspection by an inspector at any reasonable time if requested to do so by the inspector.

Maximum penalty—50 penalty units.

### **56 Summary proceedings for offences**

Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.



## 57 Penalty notices

- (1) An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.
- (2) A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.
- (3) The *Fines Act 1996* applies to a penalty notice issued under this section.

### Note—

The *Fines Act 1996* provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.

- (4) The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations (not exceeding the maximum amount of penalty that could be imposed for the offence by a court).
- (5) This section does not limit the operation of any other provision of, or made under, this or any other Act relating to proceedings that may be taken in respect of offences.
- (6) In this section—

**authorised officer** means—

- (a) an inspector, or
- (b) a person who is declared by the regulations to be an authorised officer for the purposes of this section or who belongs to a class of persons so declared.

## 58 Evidentiary statements

In a prosecution for an offence against this Act or the regulations, a statement, purporting to be signed by the Regulatory Authority or other prescribed person, relating to—

- (a) a licence issued under this Act, or
- (b) any other prescribed matter contained in a prescribed official document relating to the administration of this Act,

and certifying that the contents of the statement are in accordance with the particulars contained in the document, is admissible in any proceedings and is evidence of the matters contained in the statement without proof of the signature of the person by whom the statement purports to have been signed.

## 59 Onus of proof concerning reasonable excuse

In any proceedings for an offence against a provision of this Act or the regulations, the onus of proving that a person had a reasonable excuse (as referred to in the provision) lies

with the defendant.

## 60 Regulations

- (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) The regulations may apply, adopt or incorporate any publication as in force at a particular time or from time to time.
- (3) The regulations may create offences punishable by a penalty not exceeding 10 penalty units.

## 61 Notes

Notes in the text of this Act do not form part of this Act.

## 62 (Repealed)

## 63 Savings, transitional and other provisions

Schedule 4 has effect.

## 64 Review of Act

- (1) The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing those objectives.
- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report on the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

## Schedule 1 Provisions relating to members and procedure of Game and Pest Management Advisory Board

(Section 8)

### 1 Definitions

In this Schedule—

**Chairperson** means the Chairperson of the Advisory Board.

**member** means any member of the Advisory Board.

## **2 Terms of office of members**

Subject to this Schedule, a member holds office for such period (not exceeding 5 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

## **3 Chairperson**

- (1) One of the members is to be appointed by the Minister as the Chairperson of the Advisory Board.
- (2) The Minister may remove a member from office as Chairperson at any time.
- (3) A member who is a member and Chairperson vacates office as Chairperson if the person—
  - (a) is removed from that office by the Minister, or
  - (b) resigns that office by instrument in writing addressed to the Minister, or
  - (c) ceases to be a member.

## **4 Deputies**

- (1) The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.
- (2) In the absence of a member, the member's deputy may, if available, act in the place of the member.
- (3) While acting in the place of a member, a person has all the functions of the member and is taken to be a member.

## **5 Remuneration**

A member is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Minister may from time to time determine in respect of the member.

## **6 Vacancy in office of member**

- (1) The office of a member becomes vacant if the member—
  - (a) dies, or
  - (b) completes a term of office and is not re-appointed, or
  - (c) resigns the office by instrument in writing addressed to the Minister, or
  - (d) is removed from office by the Minister under this clause, or
  - (e) is absent from 4 consecutive meetings of the Advisory Board of which reasonable

notice has been given to the member, except on leave granted by the Advisory Board, or

- (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
- (g) becomes a mentally incapacitated person, or
- (h) is convicted of an offence in New South Wales or elsewhere involving cruelty or harm to animals, or
- (i) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.

(2) The Minister may remove a member from office without notice and for any reason.

(3) If the office of any member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

## **7 Personal liability**

A matter or thing done or omitted to be done by the Advisory Board, a member of the Advisory Board or a person acting under the direction of the Advisory Board does not, if the matter or thing was done or omitted to be done in good faith for the purposes of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

## **8 General procedure**

The procedure for the calling of meetings of the Advisory Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Advisory Board.

## **9 Quorum**

The quorum for a meeting of the Advisory Board is a majority of its members for the time being.

## **10 Presiding member**

- (1) The Chairperson is to preside at a meeting of the Advisory Board.
- (2) In the absence of the Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Advisory Board.
- (3) The presiding member has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

## **11 Voting**

A decision supported by a majority of the votes cast at a meeting of the Advisory Board at which a quorum is present is the decision of the Advisory Board.

## **12 Transaction of business outside meetings or by telephone**

- (1) The Advisory Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the Advisory Board for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Advisory Board.
- (2) The Advisory Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.
- (3) For the purposes of—
  - (a) the approval of a resolution under subclause (1), or
  - (b) a meeting held in accordance with subclause (2),the Chairperson and each member have the same voting rights as they have at an ordinary meeting of the Advisory Board.
- (4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Advisory Board.
- (5) Papers may be circulated among the members for the purposes of subclause (1) by facsimile, email or other transmission of the information in the papers concerned.

## **13 Frequency of meetings**

The Advisory Board is to meet at least twice each year.

## **14 First meeting**

The Minister may call the first meeting of the Advisory Board in such manner as the Minister thinks fit.

## **Schedule 2 (Repealed)**

## **Schedule 3 Game animals**

(Section 5)

## **Part 1 Non-indigenous game animals (licence required to hunt on**

## public or private land)

### Birds

Bobwhite Quail (*Colinus virginianus*)  
California Quail (*Lophortyx callipepla californicus*)  
Guinea Fowl (*Numida meleagris*)  
Partridge (*Alectoris alectoris chukar*)  
Peafowl (*Pavo cristatus*)  
Pheasant (*Phasianus phasianus colchicus*)  
Spotted Dove (*Streptopelia chinensis*)  
Turkey (*Meleagris gallopavo*)

## Part 1A Native game birds (licence required to hunt on private land)

### Note—

Additions or omissions to the following list of native game birds may only be made by Act of Parliament and not by Ministerial order under section 5.

### Ducks

Australian Shelduck or Mountain Duck (*Tadorna tadornoides*)  
Australian Wood Duck or Maned Duck (*Chenonetta jubata*)  
Black Duck or Pacific Black Duck (*Anas superciliosa*)  
Blue-winged Shoveler or Australasian Shoveler (*Anas rhynchos*)  
Chestnut Teal (*Anas castanea*)  
Grass Whistling Duck or Plumed Whistling Duck (*Dendrocygna eytoni*)  
Grey Teal (*Anas gracilis*)  
Hardhead Duck or White-eyed Duck (*Aythya australis*)  
Pink-eared Duck (*Malacorhynchus membranaceus*)  
Water Whistling Duck, Wandering Whistling Duck or Whistling or Wandering Tree Duck (*Dendrocygna arcuata*)

### Quails

Brown Quail (*Coturnix ypsilophora*)  
Stubble Quail (*Coturnix pectoralis*)

### Pigeons

Common Bronzewing Pigeon (*Phaps chalcoptera*)  
Crested Pigeon (*Ocyphaps lophotes*)

## Part 2 Non-indigenous animals (licence required to hunt on public land only)

### Note—

A game hunting licence is **not** required for hunting the animals listed in this Part on private land, and accordingly is only required if the animals are living in the wild on public land—see section 17.

Cat

Dog (other than dingo)  
Goat  
Fox  
Hare  
Rabbit  
Pig  
Common Starling (*Sturnus vulgaris*)  
Common or Indian Myna (*Acridotheres tristis*)  
Feral Pigeon (*Columba livia*)  
Deer (Family *cervidae*)

### **Schedule 3A National park estate land that cannot be declared as public hunting land**

(Section 20A)

#### **National Parks**

Blue Mountains  
Bouddi  
Brisbane Water  
Cattai  
Dharawal  
Dharug  
Garigal  
Georges River  
Heathcote  
Kamay Botany Bay  
Ku-ring-gai Chase  
Lane Cove  
Marramarra  
Popran  
Royal  
Scheyville  
Sydney Harbour  
Thirlmere Lakes  
Wollemi  
Yengo

#### **Nature Reserves**

Agnes Banks  
Castlereagh  
Dalrymple-Hay  
Dharawal  
Georges River

Gulguer  
Kemps Creek  
Mulgoa  
Muogamarra  
Newington  
Pitt Town  
Prospect  
Towra Point  
Wallumatta  
Wambina  
Wianamatta  
Windsor Downs

### **Regional Parks**

Berowra Valley  
Leacock  
Rouse Hill  
William Howe  
Wolli Creek  
Yellomundee

### **State Conservation Areas**

Bents Basin  
Dharawal  
Garawarra  
Maroota  
Parr

## **Schedule 4 Savings, transitional and other provisions**

(Section 63)

### **Part 1 Regulations**

#### **1 Regulations**

(1) The regulations may contain provisions of a savings or transitional nature consequent on the enactment of the following Acts—

this Act

[\*Game and Feral Animal Control Amendment Act 2005\*](#)

[\*Game and Feral Animal Control Amendment Act 2012\*](#)

any other Act that amends this Act



- (2) Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.
- (3) To the extent to which any such provision takes effect from a date that is earlier than the date of its publication in the Gazette, the provision does not operate so as—
  - (a) to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or
  - (b) to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.

## **Part 2 Provisions consequent on enactment of this Act**

### **2 Saving of hunting permits under [Forestry Act 1916](#)**

- (1) In this clause, **existing hunting permit** means a hunting permit issued under section 32B of the [Forestry Act 1916](#) that is in force on the repeal of that section by this Act.
- (2) An existing hunting permit continues, until it ceases to be in force, to confer the same authority for the purposes of the [Forestry Act 1916](#) as the authority conferred by the permit under section 32B of that Act immediately before the repeal of that section by this Act.
- (3) An existing hunting permit is, except as provided by the regulations under this Schedule, taken to be a restricted game hunting licence granted under this Act, but only in respect of the hunting of game animals on land for which it was granted.

### **3 Saving of licences etc granted under NPW Act**

The enactment of this Act does not affect any licence or other authority granted under the [National Parks and Wildlife Act 1974](#).

## **Part 3 Provision consequent on enactment of [Game and Feral Animal Control Amendment Act 2005](#)**

### **4 Penalties**

The amendment made to section 13 by the [Game and Feral Animal Control Amendment Act 2005](#) extends to a fine, or an amount payable under a penalty notice, recovered after the commencement of the amendment, even if the fine was imposed, or the penalty notice was issued, before that commencement.

## **Part 4 Provisions consequent on enactment of [Game and Feral Animal](#)**

## Control Amendment Act 2013

### 5 Dissolution of Game Council and Committee of Management of Game Council

- (1) The Game Council of New South Wales and the Committee of Management of the Game Council are dissolved.
- (2) On the dissolution of the Game Council, the assets, rights and liabilities of the Game Council immediately before its dissolution become the assets, rights and liabilities of the Crown.
- (3) The persons who were members of the Game Council or the Committee of Management of the Game Council immediately before their dissolution cease to be members and are not entitled to any remuneration or compensation because of the loss of that office.
- (4) In this clause—

**assets** means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money), and includes securities, choses in action and documents.

**liabilities** means any liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

**rights** means any rights, powers, privileges or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

### 6 Staff employed in Game Council Division

The persons employed in the Game Council Division of the Government Service immediately before the abolition of that Division (on the commencement of Schedule 2.8 to the *Game and Feral Animal Control Amendment Act 2013*) are transferred to and taken to be employed in the Department of Trade and Investment, Regional Infrastructure and Services.

### 7 Game Council Account

Money standing to the credit of the Game Council Account under section 13 on the dissolution of the Game Council is taken to be money standing to the credit of the Game and Pest Management Trust Fund under section 53B.

### 8 Hunting licences

- (1) A game hunting licence granted by the Game Council and in force immediately before its dissolution is taken to be a game hunting licence granted by the Regulatory Authority. An application for a game hunting licence that was pending immediately

before the dissolution of the Game Council is taken to be an application made to the Regulatory Authority.

- (2) The suspension of a game hunting licence, or the disqualification of a person from holding a game hunting licence, that was imposed by the Game Council before its dissolution is taken to be a suspension or disqualification imposed by the Regulatory Authority.

## **9 Approved hunting clubs or organisations**

A hunting club, or organisation, approved by the Game Council under section 19 immediately before its dissolution is taken to be a hunting club, or organisation, approved by the Regulatory Authority under that section.

## **10 Authorised agents**

- (1) A person who was an authorised agent under an arrangement entered into with the Game Council under section 28 immediately before its dissolution ceases to be an authorised agent and the arrangement is terminated.
- (2) A person is not entitled to any compensation as a consequence of the termination of an arrangement by this clause.
- (3) However, any such person may become an authorised agent under an arrangement entered into with the Regulatory Authority.

## **11 Inspectors**

- (1) A person who was, immediately before the dissolution of the Game Council, an inspector appointed by the Game Council under section 33 is taken to have been appointed as an inspector by the Regulatory Authority.
- (2) An identification card issued to the person by the Game Council under section 35 is taken to be an identification card issued by the Regulatory Authority.